

Water Resources Council

§ 725.7

the widest range of beneficial uses of the environment without degradation or risk to health and safety.

§ 725.3 Applicability.

These regulations apply to all Council actions which have the potential to affect floodplains or wetlands or which would be subject to potential harm if they were located in floodplains or wetlands. The basic test of the potential of an action to affect floodplains or wetlands is the action's potential to result in the long- or short-term adverse impacts associated with:

(a) The occupancy or modification of floodplains, or the direct and indirect support of floodplain development; or

(b) The destruction or modification of wetlands or the direct or indirect support of new construction in wetlands.

These procedures apply to Level A and B regional or river basin planning activities carried out by regional planning sponsors including consideration of inclusion of site specific projects in Level A or B regional or river basin plans. These procedures do not apply to site specific Level C planning carried out by individual Federal agencies. Each Federal agency shall use its own procedures promulgated pursuant to these Orders for such Level C planning.

§ 725.4 Definitions.

The following definitions shall apply throughout this regulation:

(a) All definitions from section 6 of E.O. 11988 (42 FR 26951); all definitions from section 7 of E.O. 11990 (42 FR 26951); and all definitions listed in the Glossary of the Council's Floodplain Management Guidelines for Implementing E.O. 11988 (43 FR 6030) from the term *base flood* through the term *structures*.

(b) *Action* means all Council activities including but not limited to plan review, study preparation, preparation and modifications to the Council's Principles, Standards and Procedures (P,S.&P), provision of financial assistance for State, regional, and river basin planning and reviews of compliance.

(c) *Council* means the U.S. Water Resources Council.

(d) *Enhance* means to increase, heighten, or improve the natural and beneficial values associated with wetlands.

(e) *Regional planning sponsors* means Federal agencies, states, groups of States, river basin commissions, interstate compact commissions and inter-agency committees.

Subpart B—Responsibilities

§ 725.5 Council studies.

All studies and appraisals performed by the Council pursuant to section 102 of Pub. L. 89-80 and any recommendations based on these activities shall include specific analyses for reflection of and opportunities to meet the objectives of E.O. 11988 and E.O. 11990. The Council's Floodplain Management Guidelines (43 FR 6030), E.O. 11988 and E.O. 11990 provide the basic evaluation tools for these analyses.

§ 725.6 Principles, standards and procedures.

The Principles, Standards and Procedures established by the Council pursuant to section 103 of Pub. L. 89-80 shall reflect the provisions of the Executive Orders. These Principles, Standards and Procedures are found in 18 CFR parts 710 through 717.

§ 725.7 Regional or river basin planning.

(a) In agreements between river basin commissions or other regional planning sponsors and the Council for the preparation and revision of regional and river basin Level B Studies and regional water resource management plans, the responsible official representing the river basin commission or regional planning sponsor shall certify to the Council that the following criteria have been or will be utilized as part of the planning process:

(1) Determination of whether proposed activities would be located in floodplains or wetlands, or, even if located outside of them, would have the potential to affect floodplains or wetlands;

(2) Avoidance of performing activities within floodplains or wetlands wherever there is a practicable alternative;